

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 2316 OF 2021

IN

TESTAMENTARY PETITION NO. 2304 OF 2018

Chandrakant Balkrishna Gujar

...Deceased

And

Rajkishor Ramchandra Gujar

...Applicant/
Petitioner

Ms. Namita Mestry for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 27 October 2021

ORDER :

1. Heard learned Counsel for the Applicant.

2. By the Interim Application, the Applicant is seeking permission to amend schedule I to the original Petition as well as amendment in the grant of Letters of Administration as per Exh.H annexed to the Interim Application.

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3. The Applicant has stated that the original Petition for Letters of Administration in respect of certain properties and credits belonging to the deceased Chandrakant Balkrishna Gujar was granted on 10th January 2019.

4. The Applicant has stated that while carrying out administration, the Applicant learnt that the saving bank accounts are not mentioned in Schedule-I annexed to the Petition and which are standing in the joint names of the deceased and his late wife Saroj Chandrakant Gujar. The particulars of which have been given in paragraph 3 of the Interim Application.

5. The Applicant has further stated that the heirs and next of kin of the said deceased who died intestate include the Applicant/Petitioner as well as persons mentioned in paragraph 4 of the Interim Application. The Consent Affidavits dated 23rd August 2021 of the heirs and next of kin of the deceased namely Rohini Ramakant Gujar (wife of the deceased Ramakant Shankar Gujar) and Sumedh Ramakant Gujar (son of Ramakant Gujar) have been annexed with Interim Application. The other heir of the deceased Suresh Pandurang

Gujar being nephew has given consent by Consent Affidavit dated 28th August 2021. The remaining heir of the deceased mentioned in paragraph 4 of the Interim Application viz. Vijay Laxshman Gujar, nephew of the deceased, had expired and Consent Affidavit is given through his legal representatives who is represented by his wife Rajashri Vijay Gujar dated 22nd July 2021 (which is on legal paper and not on A4 paper) and which is tendered in this Court. Consent Affidavit of Rajashri Vijay Gujar is accepted.

6. In view of the averments in the Interim Application, as well as the Consent Affidavits given by the other heirs of the said deceased, I am satisfied with the case made out for grant of reliefs sought for. Hence the following order :-

- (i) The Petitioner is permitted to amend Schedule I of the original Petition as per Exh.H annexed to the Interim Application.
- (ii) Office shall permit the Applicant to carry out the amendment in the original grant of Letters of

Administration.

- (iii) Amendment shall be carried out within a period of three weeks from the date of this order.
- (iv) The amended grant of Letters of Administration shall be issued to the Petitioner.
- (v) Interim Application is accordingly, disposed of in the above terms.

[R.I. CHAGLA J.]